

Resolution No. 19-00_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES ESTABLISHING A POLICY REGARDING INSTALLATION OF CERTAIN UNDERGROUND ELECTRIC LINES

WHEREAS, Section 4.10, *inter alia*, of the Charter for the Board of Public Works of the City of Lewes (the “Lewes BPW”), being Chapter 10, Volume 77, Laws of Delaware, as amended (the “Lewes BPW Charter”), grants the Lewes BPW authority to enact and adopt such rules and regulations as the Lewes BPW deems proper in order to supply utilities and regulate the connection and access of public utility services within the Lewes BPW’s service area, as defined by the Lewes BPW Charter (the “Service Area”); and

WHEREAS, Section 1 of the Lewes BPW Charter defines the Service Area as “the corporate limits of the City of Lewes, the territory beyond such limits authorized in [the Lewes BPW Charter], and any franchised service area”; and

WHEREAS, Section 4.20 of the Lewes BPW Charter more specifically authorizes the Lewes BPW to supply utility services to properties located within two (2) miles of the corporate limits of the City of Lewes; and

WHEREAS, Section 4.20 of the Lewes BPW Charter further expressly vests authority with the Lewes BPW to “enact and adopt such rules and regulations as the [Lewes BPW] may deem proper in order to supply said utility services”; and

WHEREAS, the Lewes BPW does not currently require new or relocated electric service drop lines to be placed underground; and

WHEREAS, Title 26, Section 901 of the Delaware Code requires underground installation of all electric lines that furnish electric service to multi-occupancy buildings or to new residential buildings in a subdivision of five (5) or more lots; and

WHEREAS, the Board of Directors of the Lewes BPW (the “Board of Directors”) recognizes that overhead electric utility lines detract from the natural beauty of the City of Lewes and the surrounding area; and

WHEREAS, the Board of Directors desires to preserve the natural beauty of the City of Lewes and the surrounding area; and

WHEREAS, the Board of Directors recognizes that, as compared to overhead electric lines, underground electric lines are safer and less susceptible to damage caused by natural disasters or storms that may result in extended power outages; and

WHEREAS, to further these goals, provide a more reliable electric transmission network, and protect the public’s health and safety, the Board of Directors concludes that the

47 Lewes BPW should establish a policy requiring certain electric service drop lines to be placed
48 underground; and
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50 **WHEREAS**, the Board of Directors deems it is in the best interests of the Lewes BPW
51 utility system and customers, both current and future, to require underground placement of
52 certain newly constructed electric service drop lines, certain existing electric service drop lines
53 that are reinstalled or relocated due to modifications to existing structures, and existing electric
54 drop lines that provide service to existing structures that are being modified and the cost of such
55 modifications total at least twenty thousand dollars (\$20,000.00).
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57 **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF**
58 **THE LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS ____ DAY OF**
59 **_____, 2019, THAT:**
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61 **Section 1.** Unless otherwise expressly authorized by the Lewes Board of Public
62 Works, all new electric service drop lines installed within the Lewes Board of Public Works
63 Service Area shall be placed underground. Electric service drop lines shall mean electrical lines
64 that run from an overhead pole to a customer's building, home, or other premises. Appurtenances
65 and associated equipment such as, but not limited to, surface-mounted terminal boxes and meter
66 cabinets, and terminations for concealed ducts in an underground system, may be placed above
67 ground.
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69 **Section 2.** All existing electric service drop lines may remain provided, however, that
70 when existing electric service drop lines must be relocated or extended, unless otherwise
71 expressly authorized by the Lewes Board of Public Works, such electric service drop lines must
72 be placed underground. Replacement of existing electric service drop lines is permitted when it
73 is necessary to maintain the electric service drop lines.
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75 **Section 3.** Unless otherwise expressly authorized by the Lewes Board of Public
76 Works, all existing electric service drop lines servicing a building within the Lewes Board of
77 Public Works Service Area must be placed underground if a building permit to perform work on
78 such building is obtained from the applicable government authority and the total cost of the work
79 to be performed pursuant to such building permit is at least twenty thousand dollars
80 (\$20,000.00).
81

82 **Section 4.** Use of electric service drop lines shall be permitted if the Board of
83 Directors of the Lewes Board of Public Works, upon consideration of a written request from the
84 impacted property owner, finds that topographical, soil, or other identifiable conditions, physical
85 or economic, make such underground installations unreasonable or impractical.
86

87 **Section 5.** This Resolution shall take effect immediately upon its adoption by the
88 Board of Directors of the Lewes Board of Public Works.
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93 Adopted by the Board of Directors
94 Of the Lewes Board of Public Works

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98 I, Robert J. Kennedy, III, Secretary of the Board of Public Works of the City of Lewes,
99 do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the
100 Board of Directors of the Lewes BPW at its meeting on _____, at which
101 meeting a quorum was present and voting throughout and the same is still in full force and effect.

102
103
104 _____
105 Secretary

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